

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

BANKERS TRUST COMPANY OF
CALIFORNIA, N.A. as Trustee under
the Indenture dated as of March 1,
1996 between such Trustee and
Wilshire Liquidating Trust 1996.1

Plaintiff

vs

CIVIL 97-2239CCC

THE TARGET GROUP, INC., MARCELINO
BLANCO-MENA a/k/a MARCELINO
BLANCO, his wife SANDRA MAGAZ-
ESCODA, and the conjugal partnership
constituted between them

Defendants

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CLERK OF COURT
U.S. DISTRICT COURT
SAN JUAN, P.R.

PARTIAL JUDGMENT

Presently before the Court is plaintiff Alaska Seaboard Partners Limited Partnership on a Motion Requesting Issuance of Summons (**docket entry 42**). Upon reviewing the case, the Court became aware that the new claim contained in the Supplemental Complaint is unrelated to the collection/foreclosure action in the original and amended complaints. An order to show cause was entered requiring plaintiff to show cause why the supplemental complaint against Mr. José E. Rosado-Pazo should not be dismissed without prejudice of filing an independent action.

Having considered plaintiff's motion in compliance with the Court's order (**docket entry 46**) as well as the allegations of the amended and supplemental complaints, the Court



CIVIL 97-2239CCC

2

finds that the unjust enrichment claim against Mr. Rosado-Pazo is a post-foreclosure claim that has little or nothing to do with the collection/foreclosure action against the debtor and its guarantors. It should therefore be independently pursued.

In view of the foregoing, the Supplemental Complaint (**docket entry 41**), is hereby **DISMISSED** without prejudice.

SO ORDERED AND ADJUDGED.

At San Juan, Puerto Rico, on March 8, 2001.


CARMEN CONSUELO CEREZO
United States District Judge

s/es:to (2)
attys/pts
in ICMS

MAR 13 2001

